

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**Fitchburg Gas and Electric Light Company
Annual Planning Report, January 2004**

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) **D.T.E. 01-67**
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**MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY FOR
PROTECTIVE TREATMENT**

NOW COMES Fitchburg Gas and Electric Light Company ("FG&E") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure for certain confidential and sensitive information submitted in the above-referenced filing made by FG&E, in accordance with G.L. c. 4, § 7, cl. 26(n) and G.L. c. 66, § 10. In support of this Motion, FG&E states:

1. FG&E requests protection from public disclosure for the following information: (1) the "loadflow diagrams" provided in Attachment 1; and (2) the "significant customer listings" provided in Attachment 7.
2. G.L. c. 4, § 7, cl. 26(n) expressly exempts from the definition of "public records" information concerned with "utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety."
3. In its April 22, 2003 Order in D.T.E. 98-84, the Department recognized the relevance of Clause 26(n) to the protection of critical energy infrastructure information, and noted that this clause confers discretionary authority to augment its power to accord

nondisclosure protection to records containing sensitive information, separate and apart from its existing authority under G.L. c. 25, § 5D. *Slip Op.* at 23.

4. FG&E submits that the portions of its filing described above should be protected from public disclosure because this information provides specific details concerning FG&E's energy infrastructure: (1) the "loadflow diagrams" disclose detailed information as to how the FG&E distribution system is designed and configured, revealing sensitive or key components; and (2) the "significant customer listing" discloses critical location and customer specific information (such as the circuits each are on) about key customer facilities. FG&E also submits that it does not disclose this information to the public in the normal course of conducting its business and, further, that it takes steps within the Company to protect this information from unauthorized or accidental disclosure.

5. Consistent with the above-stated reasons, FG&E also requests that the Department grant protective treatment to the "loadflow diagrams" (located in Appendix E, consisting of a separate envelop containing oversized charts) and "significant customer listings" (located at page 35 of main report) contained in its Annual Report filed in this docket in January, 2003. While FG&E did not request protective treatment for this information at the time it was filed, we submit that due to current events and related heightened national security concerns and awareness, good cause exists to protect this previously-filed information from any further public disclosure.

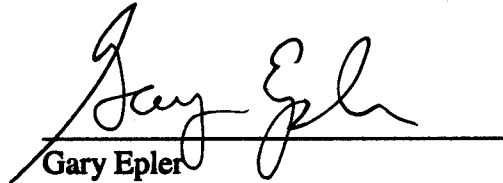
WHEREFORE, for all the reasons set forth in this Motion, FG&E respectfully requests that the Department issue an Order granting protective treatment to the provisions of the filings described above.

Respectfully submitted,

Gary Epler
Senior Regulatory Counsel
Unitil Service Corp
6 Liberty Lane West
Hampton, NH 03842
(603) 773-6440
epler@unitil.com

Certificate

I certify that copies of this Motion have been served this 2nd day of January, 2004, via overnight express mail, upon the Massachusetts Office of the Attorney General and the Massachusetts Division of Energy Resources.


Gary Epler

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**Fitchburg Gas and Electric Light Company
Annual Planning Report, January 2004**

D.T.E. 01-67

MOTION FOR ADMISSION PRO HAC VICE

The undersigned counsel for Fitchburg Gas and Electric Light Company ("FG&E"), Gary Michael Epler, hereby moves for admission pro hac vice in the above captioned proceeding before the Massachusetts Department of Telecommunications and Energy ("Department"), pursuant to 220 CMR 1.02 and 801 CMR 1.01. In support of this motion, Mr. Epler states as follows:


1. Mr. Epler is employed as Senior Regulatory Counsel by Unitil Service Corp., 6 Liberty Lane West, Hampton, New Hampshire, 03842.
2. As shown in the attached affidavit, Mr. Epler is a member in good standing of the New Hampshire, New Jersey, New Mexico (in-active status) and New York bars and is currently admitted to practice before the New Hampshire, New Jersey, New Mexico and New York state courts, the federal district courts located in each of these states, as well as the federal 1st, 2nd, 3rd, 10th and District of Columbia Courts of Appeals. Mr. Epler is in the process of completing and submitting his Application for Admission on Motion to the bar of the Commonwealth of Massachusetts. Mr. Epler is not currently and has never been suspended or disbarred in any jurisdiction and there are no disciplinary proceedings pending against him in any jurisdiction. He is familiar with the facts of this proceeding for which FG&E shall appear before the Department and

agrees to adhere to the Department's rules and orders, and applicable agreements between the parties.

WHEREFORE, Mr. Epler respectfully requests that the Department permit him to appear pro hac vice for the purpose of representing FG&E in this proceeding, and requests further that this motion be deemed to satisfy the requirement of 220 CMR 1.02(7) regarding the filing of an Appearance.

Dated: January 2, 2004


Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gary Epler", is written over a horizontal line.

Gary Epler
Sr. Regulatory Counsel
Unitil Service Corp
6 Liberty Lane West
Hampton, NH 03842
(603) 773-6440
epler@unitil.com

Certificate

I certify that copies of this Motion Pro Hac Vice has been served this 2nd day of January, 2004, via Overnight Mail, upon the Massachusetts Office of the Attorney General and the Massachusetts Division of Energy Resources.

A handwritten signature in cursive script, appearing to read "Gary Epler", is written over a horizontal line.

Gary Epler


Fitchburg Gas and Electric Light Company Annual Planning Report, January 2004

AFFIDAVIT

- 1. I am over eighteen years of age; I am competent to provide this affidavit; and I have personal knowledge of the facts set forth below.**
- 2. I am employed by Unitil Service Corp. ("USC") as Senior Regulatory Counsel.**
- 3. USC is a corporation providing services to the subsidiaries of Unitil Corporation, a New Hampshire corporation and a registered holding company under the Public Utility Holding Company Act of 1935.**
- 4. Fitchburg Gas and Electric Light Company is a wholly owned subsidiary of Unitil Corporation.**
- 5. I am a member in good standing of the New Hampshire, New Jersey, New Mexico (in-active status) and New York bars and am currently admitted to practice before the New Hampshire, New Jersey, New Mexico and New York state courts, the federal district courts located in each of these states, as well as the federal 1st, 2nd, 3rd, 10th and District of Columbia Courts of Appeals. I am in the process of completing and submitting my Application for Admission on Motion to the bar of the Commonwealth of Massachusetts.**
- 6. I am not currently and have never been suspended or disbarred in any jurisdiction and there are no disciplinary proceedings pending against me in any jurisdiction.**

7. I am familiar with the facts of this proceeding for which FG&E appears before the Department and agrees to adhere to the Department's rules and orders, and applicable agreements between the parties.

DATED this 31 day of DECEMBER, 2003.



Gary Epler

STATE OF NEW HAMPSHIRE)

) :SS

COUNTY OF ROCKINGHAM)

On this 31st day of December, 2003, personally appeared before me Gary Michael Epler, the signer of the above instrument, who duly acknowledged to me that he executed the same.

Vanda Whitney

Notary Public

Residing in Rockingham County

My Commission Expires:

SANDRA L. WHITNEY, Notary Public
My Commission Expires April 26, 2005